

COMMISSIONERS APPROVAL

ROKOSCH *JRH*

GRANDSTAFF *CG*

THOMPSON *AT*

CHILCOTT *gr*

DRISCOLL *KD*

Date.....July 9, 2007

Members Present.....Commissioner Jim Rokosch,  
Commissioner Carlotta Grandstaff, Commissioner Alan Thompson, Commissioner Greg  
Chilcott and Commissioner Kathleen Driscoll

Minutes: Beth Farwell

The Board met for administrative issues with Administrative Director Skip Rosenthal. Skip stated there are no remaining issues with the Darby CTEP project and it is ready to close out. Commissioner Chilcott made a motion to allow Skip to sign-off and close out the Darby CTEP project. Commissioner Driscoll seconded the motion and all voted 'aye'.

Skip stated Arnie Polanchek has been a vital part of the Salary Compensation Board bringing both experience and knowledge to the table. Skip stated Arnie's term had expired June 30<sup>th</sup>. Skip requested the Board schedule the first Salary Compensations meeting on July 26<sup>th</sup> at 10:00 a.m. Commissioner Chilcott made a motion to re-appoint Arnie Polanchek to the Salary Compensation Board. Commissioner Driscoll seconded the motion, all voted 'aye'.

Skip requested the Board ratify the Detention Contract. This ratification will be a 3.5% base salary increase for this year. This is a three year contract that will have the salary increase the first year then standard C.O.L.A. (cost of living) the remaining two years. The plan states in a two week period anything over 80 hours will be overtime. Brief discussion followed regarding union negotiations with this contract.

Commissioner Chilcott made a motion to ratify the Detention Bargaining Unit contract. Commissioner Driscoll seconded the motion and all voted 'aye'.

Minutes: Glenda Wiles

The Board met with Planning Director Karen Hughes, Planning Staff Tristan Riddell, Clerk and Recorder Regina Plettenberg and Clerk and Recorder Staff Linda Bissell in

order to review a request by DeAnne Johnson to sell or gift a tract of land. Also present was Civil Counsel Alex Beal and DeAnne Johnson, the applicant.

Regina presented the background on the procedure in order to make a determination to either allow or deny the acceptance of a deed for gifted parcel of land created through a family transfer survey. Karen indicated the reason this procedure is now part of the regulations was due to Senate Bill 116 (the criteria was established for the evasion of subdivisions), and because both county personnel and citizens felt the process was better understood with a written procedure in place. Prior to this procedure there was nothing in writing with the exception of a memo from County Attorney George Corn. This memo addressed how long the parcel should be owned by the family member it was gifted or sold to at a minimum of five years.

Regina stated George stated the final determination of these gifted tracks lie with her, but she feels more comfortable with the assistance and guidance of Civil Counsel, Planning Staff and the Commissioners in these citizen requests. She stated each one of these gifted tracks or exemptions are different and many times the applicant has hardships.

Discussion included requiring a variance request and the fact that these exemptions are not treated in the same manner as a subdivision.

Karen noted this exemption review comes after the subdivision has occurred and has been recorded. Regina stated she hopes to utilize one Commission member along with Planning Staff, Civil Counsel and the Clerk & Recorder's Office in these subdivision exemption review requests. **Commissioner Driscoll made a motion to have Commissioner Chilcott serve as the Commissioner's Representative on the DeAnn Johnson request due to his history on this particular application, and in the future, the Commissioners will rotate their service on the exemption review committee in order to allow all Commissioners the opportunity to serve in this capacity. Commissioner Grandstaff seconded the motion and all voted "aye".**

In regard to this specific request by DeAnn Johnson; Linda Bissell, Karen Hughes, Civil Counsel and Commissioner Chilcott served as the decision makers for this request. (See the attached correspondence). History of this request is as follows. Regina stated DeAnn sold a parcel to her son Troy Renstrom. Now she would like the ability to sell that same parcel of ground. Karen stated there was a subdivision application on this parcel but the process was stopped by DeAnne.

DeAnn stated she transferred this property to her son through the subdivision exemption process. She started a subdivision application in 2002 and then she had to wait for septic approval which took a year and then Applebury Survey took another year and then it took planning another year. She stated this is one lot out of 24 created lots. She also stated this was also to be given to the Flood Plain Administrator for a three year study on the flood plain issue. Had she wanted to avoid the subdivision process, she would have done a family transfer in 2002; but she wanted to follow the law and pay her share so she went through the subdivision process which turned out to be a 'very stupid' decision. This

property is her retirement and in order to survive she had to sell one of the lots. When the decision about the 3-year study came down from the Flood Plain Administrator, she panicked and went for the family transfer instead of finishing the subdivision process. Before she signed the family transfer she called planning and she was told they followed the state rules. So she followed the state rules. On June 22<sup>nd</sup> she received a letter from planning stating she can not sell that parcel she transferred to her son for another 3-5 years. She then reviewed the citizen's guide and it says it can not be sold before 3-years. She relayed her neighbor drilled wells next to her property line, and while the Sanitation agreed the wells were too close, the County Attorney could take no action to remove the wells. She stated the working from the County Attorney's Office says the parcels 'should not be sold'. Therefore the county needs to have some consistency because it is confusing to citizens like her.

DeAnn also stated the Flood Plain Administrator Laura Hendrix is being sued and Laura has put DeAnn through misery on this subdivision. She stated she will testify for the complainant against Laura. She stated her son Troy should have signed something but he was never required to. Now she has had to put the whole subdivision up for sale. She stated she would like to know how she is guilty of a misdemeanor. Property is not selling right now and no one wants to purchase it. Her son lives up the hill from this property and he is helping her financially but it is not enough.

Alex stated this parcel belongs to Troy and he would be the one who is actually selling it. DeAnn stated Troy was not able to come here today and he does not have the money to pay her so he needs to sell the property. She stated she started this process four years ago. She wrote to U.S. Senators Baucus and Burns and they told her there was no flood plain study going on.

Karen stated the subdivision application was never denied, but DeAnn pulled the application and did the subdivision exemption instead. DeAnn stated the Planning Staff should have gotten on Laura as she told her there was a flood plain study being done when that is not true. She wrote to the Commissioners and she never received a response, and had she received some answers, she would have done something different in regard to the subdivision application and or family transfer. In 2002 her original intent was not to sell it to her son; she made that decision when the process was taking so long.

Commissioner Chilcott asked if there was a note between her and her son for payments and terms. DeAnn stated no note was written, but it was agreed he would pay her back within 3-years from June 2006 for \$250,000. She did not charge him any interest. This transfer occurred in October 2006. DeAnn agreed Troy would not be in default until June 2009.

Discussion of times lines took place. It was agreed by DeAnn she spent 3-years working with Applebury Survey and one year with the Planning Office. DeAnn stated Laura told her there was this 'study' from the Mushroom Factory on Highway 93 through the town of Stevensville, and up the Burnt Fork there would be no subdivisions. When she was

told that she asked herself why she should wait another two years and find out she could not even subdivide.

Karen stated the planning issue was the preliminary plat did not show the right streams, nor identify the streams on the property. The Planning Office relies on Laura to identify when a floodplain analysis is needed or not. During the sufficiency process, Laura noted the Surveyor had put the wrong streams on the plat. There was already a Corp of Engineers study done in that area, and it identified a potential issue for flooding. Planning Staff visited with DeAnn's representative on June 2<sup>nd</sup> and June 5<sup>th</sup> and he submitted a subdivision exemption application which is a 'red flag' for us in the middle of a subdivision application. DeAnn's representative advised the staff that was 'the intent all along'. Therefore, the staff had a lot of questions; such as was this evasion. In terms of the time line from July 2005 to February 2006, there was a delay in the application process but after this subdivision moved along.

Ally Deballis (realtor) stated she visited with Commissioner Chilcott about Laura saying this was the wrong stream, but Laura was wrong. Karen stated the surveyors map did not have the correct streams identified.

Commissioner Chilcott commented Troy was not in default until June 2009.

DeAnn asked how the county does not enforce the "should" in regard to the wells, but they turn around and enforce it on her. Alex stated 'should' is not the same as 'must'; but the regulations in regard to the transfer for gift or sale uses the word 'will'. DeAnn stated she did not try to evade anything.

Ally stated the county did not even follow there own time line. There was some discussion of when the sufficiency deadline was met. Alex stated when this subdivision exemption was done the policy was 4-5 years ago. Alex stated the county would have to obtain a court order before DeAnn would have to worry about the 4-5 years. Even if they look at this for 3-years, this is less than a year afterwards. DeAnn stated she had to take out a loan for this process and her income can not make this payment. Applebury told her his bill would be \$30,000 to do this subdivision, so she borrowed \$40,000. She put in a driveway and paid off her credit cards. She lives on \$500.00 per month. The original lot split was only 2-lots. The lot she retained includes the driveway.

Karen indicated they should follow the evaluation criteria and the Clerk & Recorder will then make the final decision.

**Evaluation criteria:**

**1) Was there documentation recorded with the plat to notify the title holder that the gifted parcel was being created through the exemption process and therefore not subject to immediate sale?** (See attached letters permanent file #578116). DeAnn stated Planning told her they followed the state rule. (Karen stated she does not know what the exact question was in order to understand what DeAnn is relaying). Alex noted the letter to DeAnn was June 22, 2006, but the recording did not occur until October

2006. Linda stated DeAnn was the title holder at the time of the June 22<sup>nd</sup> letter. Alex relayed it was the sellers obligation (DeAnn) to inform the buyer (Troy) that he could not sell the property. DeAnn stated Troy did not know this because she was told she could not sell the property for 4-5 years and the Planning Office told her they followed state rules. She also stated Applebury told her the county could not hold her to the 4-5 years, and she could go ahead and do the transfer. Alex stated Troy did not know, but he is not here to discuss this issue.

Commissioner Chilcott stated the first criterion is if the title holder was notified and DeAnn was notified. Commissioner Chilcott stated since Ally is a Realtor, she knew and it was her responsibility to notify the buyer of full disclosure. The letter was written in June and the sale was recorded in October. DeAnn was aware of this and it was also her responsibility to give disclosure to Troy. Ally stated what Karen knows as a planner is not what the regular lay person knows. The sale to Troy is 4 acres which includes DeAnn's home. Alex stated DeAnn could sell the remaining 20 acres which would be a better deal for her.

DeAnn stated the house was old and she wanted to build a new house. Troy helps her with the haying and care of animals. If she has to sell this and move elsewhere, it will not be convenient. She also feels safe with her son as her neighbor. (Troy lives up the hill and on a different parcel. DeAnn still lives in the house she sold to Troy.)

Commissioner Chilcott stated in regard to criterion number one, there was notification to the title holder – Linda concurred.

**2) Is the request based on a hardship or significant difficulty that the applicant could not have reasonably anticipated?** DeAnn stated Troy can not pay her the money because his property in Minnesota has not sold yet. Ally stated DeAnn's loan will be up before 2009 when Troy's note in Minnesota is due. Commissioner Chilcott stated financial hardship is not considered when they look out for the public's interest. Ally stated the letter Karen gave her stated they look at everything, which should include the hardship of DeAnn. She stated the staff needs to look at this through the person's eyes. Karen stated if the applicant chooses to be part of this process we visit with them and we copy them on everything. DeAnn did not choose to be part of these meetings. Ally stated she was copied but she did not understand many of the letters. Ally stated the subdivision process is expensive; \$50,000 for the average subdivision is ridiculous.

Commissioner Chilcott stated this discussion is outside their scope of consideration. This letter of June 22<sup>nd</sup> was the notice sent to DeAnn and Applebury Survey. If there were questions, they should have been asked. Also, this letter allowed the remaining 20 acres to be sold. The hardship could have been reasonably anticipated.

Karen stated the question for criteria #2 should be answered by Troy. The hardship is his and we have two letters from him in the permanent file. We see the note is not due until 2009 and now there are other financial considerations that are being brought up today.

Commissioner Chilcott stated the hardship for Troy appears not to be until the balloon payment is due until 2009. The Minnesota property could sell next week.

Commissioner Chilcott and Linda stated they do not see a hardship with Troy but they do see a hardship with DeAnn. Karen stated the only thing she questions is if Troy did not know when it was transferred to him. It was DeAnn's responsibility to advise him of this but his note is not due until 2009. Thus, she agrees with Commissioner Chilcott and Linda.

**3) Was the reason for the request once the applicant would have been aware of at the time of the subdivision exemption application and/or the time the family transfer survey was recorded?** DeAnn states Troy knew he was receiving the property and that he would have to sell the property as soon as he could. His intent was not to live on the property with the home and 4-acres. She stated this was not her intent nor was it Troy's as they were forced into this sale. She states she sees no reason for her to continue to sit here. When she sells the remaining 20-acres, she will retain an attorney and go after Laura for everything she can get from her. So why waste her time her today. Karen replied if you have a concern with Laura's professionalism, then file a complaint with her as the Department Head or the Commissioners.

Alex asked if Troy knew about the family transfer process and not being able to sell for a period of time. Karen stated the form for family transfer came in and was signed on June 5<sup>th</sup> which was the time of the application. Thus DeAnn had notice and the June 22<sup>nd</sup> letter specifically addresses the 4-5 years.

Commissioner Chilcott stated in regard to the request for family transfer form, the statement DeAnn signed shows there was no intent to sell or transfer this parcel created other than to another family member. But a couple of minutes ago, she stated Troy never had the intent to move in but to sell this home and 4-acres.

DeAnn stated she is getting nervous. She abided by the rules, so what is she guilty of? Commissioner Chilcott stated they are not saying she is guilty of anything. They just want her to understand this process. Karen stated the son never received the letters, just DeAnn. Alex noted the legal notice shows DeAnn, but not Troy. In terms of criteria #3 Alex sees this as similar to #2; but the hardship is that the Minnesota property has not sold. One question would be if Troy was aware of that in October 2006. DeAnn stated it (the Minnesota property) is not up for sale as he has to put a road into that property before he can sell it. DeAnn stated she was going to put a lien on the 10 acre parcel in Minnesota so she would make sure she got her money.

Linda stated she feels Troy knew he was going to immediately sell the property as soon as it was transferred over to him. Alex asked if Troy would have known in October there were going to be difficulties in selling the Minnesota property. DeAnn stated she and Troy do not visit everyday, so she found no reason to mention this restriction, because at the time she put in for this exemption there was a rule. Alex stated if he understands this correctly, the intent was to subdivide the Minnesota property. DeAnn stated now Troy

has to put in a paved road before he sells the property in Minnesota and she does not know when they told him of this requirement.

**4) Can the reason for the request be handled through some other means, such as through a court (i.e., district, divorce, probate or bankruptcy).** Alex stated the legal requirement is the notification on the documents (it was noted they were recorded). Regina noted the plat shows the property goes to Troy. Commissioner Chilcott stated a family transfer is not like any other sale as it is between family members, which if common sense reasoning is applied here, family members should have more communication.

Karen asked if they should reschedule when Troy can be present. DeAnn stated she can not say when Troy could be present as he works out of town. DeAnn stated she is not going to win anyway, so why have another meeting. Alex stated Troy is the applicant. DeAnn stated Troy does not know anything and it is evident how this committee is going to rule. She stated they feel it is her total intent to sell this. Now that she knows she can sell the 20-acres, she will move forward on that sale. She then looked at Alex and said it is the county's intention to 'throw me in jail'. Alex advised DeAnn if she is trying to get around the subdivision rules, then the court can enjoin their own rules. He advised her they are not telling her they are going to throw her in jail as they have not made any decisions, except to say the real applicant in this exemption is Troy.

Commissioner Chilcott asked DeAnn if she could present the five criteria questions to Troy and have him answer them bringing them back to the Planning Office. DeAnn stated Troy does not understand the criteria, nor does he 'know anything about this stuff; he needs to sell the Minnesota property to pay the note'.

Ally stated DeAnn was driven to this because of the subdivision regulations. DeAnn stated she is old and is being forced to do this because of the ruling by Laura. If the findings came back the way Laura inferred they would; then she would never be able to subdivide.

Karen stated the planning staff stopped the subdivision application because DeAnn marked the application for subdivision exemption.

Alex asked DeAnn if something changed between the time she filed the exemption request and Troy's financial situation today. Ally stated Troy can not go on without selling the Minnesota property. Alex stated in order for Regina to grant this change of parcel ownership, they must show something that has changed from October 2006 to today. And Troy is the person who needs to answer those questions.

DeAnn stated Troy was going to take \$100,000 from the sale of the house, construct the road in Minnesota in order to sell 7-8 lots. Then he would be able to pay her.

Alex stated the only thing that has changed is DeAnn now says she understands. Commissioner Chilcott stated the intent all along was to sell this gifted parcel. DeAnn

stated this is 'really hairy and she does not want to fall off the tight rope' with any answers she gives. She stated Troy needs to sell the Minnesota property, but he needs the \$100,000 to construct the road. And because of that, she started the subdivision process, and then Laura told her she might not ever be able to subdivide this property. Now the only way she can sell her property is to give it to Troy and he can sell it. Then he can sell the property in Minnesota and pay her back. In two years his note is due, but her loan is due now.

Alex stated it appears the subdivision DeAnn applied for was in order to generate money that could be used for the subdivision projects in Minnesota. Ally stated that was the intent when DeAnn started the subdivision. Ally also stated this property belongs to DeAnn. She has done all the health and safety requirements, she was not turned down for subdivision.

Karen stated there are two studies underway. One is the Army Corp of Engineers and the second one was the mapping. Because of those issues a flood plain analysis was needed. Ally stated the analysis does not need to be done. Karen stated it has to be done

Commissioner Chilcott stated when lots are created and sold the public has a right to participate in the process. By pulling the subdivision application and applying for an exemption in order to sell the lot, the public has their rights violated.

Karen stated if her staff would have had as much information today as when the application was submitted, they would have declined the application.

Alex asked if Troy defaults on the note would the second lot come back to DeAnn.

DeAnn and Ally then left the room without further comment.

The committee continued their discussion. Commissioner Chilcott stated with the foreclosure on the note, it would then revert to DeAnn.

**5) Any other relevant argument.** Commissioner Chilcott stated the intent was to sell all along. All committee members agreed there was no other relevant argument that DeAnn could provide.

The committee concurred they have unanimous consent the acceptance of the deed should not be accepted by the Clerk and Recorder.

**Linda made a motion that the Clerk & Recorder not accept this deed.**  
**Commissioner Chilcott seconded the motion, all voted "aye".**

Regina stated if Troy wants to come in and discuss this, they can review it. The Committee concurred.

The meeting was adjourned.



Minutes: Beth Farwell

The Board met to open bids for Hot Plant Asphalt Supply and Equipment rental. Road Supervisor Dave Ohnstad from the Road Department was present.

The Board opened the bids received as follows:

Hot Plant Asphalt bids:

- 1.) JTL Group out of Missoula, Hot Plant Asphalt for 4500 tons @ \$45 per ton for a total of \$180,000.
- 2.) Blahnik – 4500 tons @ 36.50 per ton Type \$164,250

Equipment Rental bids:

- 1.) Blahnik – gave several bids on various rental equipment averaging from \$25 per hour to \$100 per hour.

**Commissioner Chilcott made a motion to give the bids to Dave for review and recommendation. Commissioner Driscoll seconded the motion, all voted 'aye'. The Board will meet on July 11<sup>th</sup> at 2:00 p.m. for the award of the bids.**

In other business, the Board met to execute the contract documents for the Automated Weather System at the Airport. **Commissioner Chilcott made a motion to execute the contract as presented and recommended by the engineering firm of Pecci & Associates to Midland Electric. Commissioner Driscoll seconded the motion, all voted 'aye'.**

The Board met for discussion and decision on the DNRC Contract for fire suppression services within the county. Present were Ron Ehli, Chief of the Hamilton Fire Department, Steve Holden from DNRC, Ron Nicholas, Office of Emergency Services Director, Charmell Owens, Emergency Preparedness Coordinator and Erik Hoover of OES.

Ron Ehli opened the meeting with a brief statement regarding fire safety. Steve stated the DNRC fire behavior predictor shows the energy released component of how actively the fires will burn this year. Ravalli County is already overreaching those numbers and hot, dry weather will continue throughout the week. He gave a presentation to the Board regarding fire protection. Forested lands areas are assessed with an acre cap and so many cents per acre. These fees collected represent one third of their budget. Rural fire districts have overlapping protection. This county co-op plan allows local fire districts the ability to fight fires on state land at no fee. The state in return, provides equipment and training to the county. Steve stated DNRC renews this contract every five years. There are three documents associated with this plan that have been presented to the Board.

Commissioner Rokosch asked if there were any changes in the plan. Ron replied there were some minor changes but not substantive.

Steve stated the finances per year are \$47,000 in assessment funds. He would rather use \$3-5,000 for assessment than millions later during fires.

Commissioner Thompson stated he has always been impressed with Ravalli County's response to fires and the clean up. He appreciates the work and continued dedication from DNRC.

Brief discussion followed regarding the past Gash Creek fire and response from DNRC.

Ron stated what is great about this contract is the working relationship between the State and the County.

Commissioner Chilcott pointed out a few grammatical errors on the contract that need to be corrected.

**Commissioner Thompson made a motion to accept the DNRC contract with the changes noted by Commissioner Chilcott. Commissioner Grandstaff seconded the motion, all voted 'aye'.**

In other business, the Board met for an update with WIC and a discussion of Farmers Market vouchers. Judy Griffin, Public Health Nurse and WIC Director and Jackie Cenis, WIC Coordinator were present.

Jackie presented the Board with an informational packet regarding the WIC program and the income requirements. She explained the different sub-programs with the WIC umbrella. Bitterroot Breastfeeding Coalition will be hosting a picnic to promote breastfeeding awareness. She further explained the Farmers Market program vouchers and how the WIC participants use them. They are used for fresh vegetables and fruit for nutrition.

Minutes: Glenda Wiles

The Board met with numerous legislative delegates who included State Senators J.G. Shockley and Rick Laible; Representatives Gary McLaren, Bob Lake, Ray Hawk and Ron Stoker. Numerous citizens were also present. Commissioner Rokosch thanked the delegates for asking for this meeting.

Rick thanked the Board for allowing them to 'get to work on the important issues'. He stated it is important to identify the issues, see how they can assist the local body in making this county a better place to live. He presented some issues of legislation the lawmakers had presented over the past two years. Some things they were successful with, some things they were not.

He then presented a list of various bills for discussion. They included some of the following along with comments from the other legislators:

- Senate Bill 116 (passed 2005) legislation for procedural aspects of subdivisions.
- Senate Bill 185 impact fee passed for local governments under guidelines to have impact fees.
- Senate Bill 201 passed last session, which allows local governments who commit to changing their growth policy to charge fees for new subdivisions. His calculations would be \$100,000 per year. Allowing more tools to obtain more fees. This was a consensus bill between legislators, developers and 'smart growth'. His personal recommendation is the county commit to this voluntary implementation. This is a balance and with zoning in process they have an expedited review process.
- Senate Bill 110 (not passed) is the result of the study resolution done in 2005. He hopes they work on this next session, and they can do it early.
- Senate Joint Resolution No. 26 which was a study resolution to study more subdivisions. This is done by a working group, developers, planners, smart growth. Allows them in the next session to work on this issue in advance to the next session.
- House Bill 416 (not passed) allows local governments by population, number of subdivisions etc., and allowing local governments to get ahead of the curve. Had a fiscal impact and was expected to bring in \$100,000 to Ravalli County.
- Ron Stoker spoke in regard to House District #87; southern half of county. Ron was house chair of house judiciary and vice chair of human services. He stated most people do not want to serve on the human services committee. He carried some legislation, some of which passed and others did not.
- J.G. Shockley spoke in regard to Senate District #45; north portion of county. He sits on senate judiciary, state administration (deals with pensions etc), law and justice and environmental quality council and governor's council on Department of Corrections.
- Bob Lake chaired house taxation, house education, ethics committee and rules committee. He has some interesting legislation that comes through tax. During the special session they addressed the residential home owner credit under HB 529/HB 9. He does not feel the counties will not have any negative impacts. The challenges are to obtain the money back to the counties intact. He sits on revenue and transportation committee. The state hopes to have over a billion dollars in excess but it will be spent.

- Gary McLaren represents House District # 89; his interest is in the effects of unfunded mandates. One issue addressed was the need to address the \$250.00 for Veteran Memorial services and \$80.00 for their headstones.
- Ray Hawk represents the northern part of county. He chaired the sub committee on public safety and house appropriation. He helped County Attorneys' salaries tied to District Court Judges and with a fire funding bill that would have made fire funding permanent and not voted on by a supplement. However, that bill was killed in the house appropriations committee.

Commissioner Rokosch agreed local constituents are state constituents and this is common ground as they are elected to serve all the people. He felt there is always room for improvement for everyone and it is important to have that philosophy so we can have some constructive discussion.

Commissioner Driscoll congratulated Gary McLaren as being a 'true statesman; as he represented the right decisions'. Commissioner Driscoll stated the impact fee bill is cumbersome for Ravalli County. She asked why they made it so difficult to use. She recognizes it is a consensus bill, but it has limited the county so much they can not afford to pay for their own budget.

Rick stated it is not a perfect world and the legislative process is messy. This was a consensus bill; the lead bill was from Senator Mangun of Great Falls. He stated they all felt certain things should be included but there were issues of enforcement etc. They worked on these for several sessions and were unable to pass them. This was the first one that passed which was a major accomplishment. It was not perfect, but no bill has ever been perfect. He asked what the counties have done since 2005 when this was passed. This impact bill was made as a balance so one opposing view did not win out over another one. This also has to be worked out with the Governor.

Commissioner Driscoll stated it would be ok if the tax payers were not the losers. The tax payers are the ones footing the bill for the development occurring. She also noted County Attorney George Corn went to Helena to help amend this bill in order to make it a workable bill for the counties who are suffering the most.

Commissioner Grandstaff stated one specific issue concerning her is Senate Bill 185 requires unanimous vote in regard to allowing impact fees for schools. Achieving that unanimous vote will be difficult. Rick stated nexus and proportionality are the key things to this bill, and her concern is accurate. He stated the nexus and proportionality issues are established in law; in that the fees have to be fair and reasonable based on the subdivision proposal.

Commissioner Grandstaff stated Florence School District will require a unanimous vote from two counties which she feels could be very difficult to achieve.

J.G. Shockley stated he was on the local government committee in 2005. Now Rick serves on this committee. He stated if the local governments want certain things in these

bills, they have to be present in Helena for these discussions. Telling them is nice but if you want something, the Commissioners have to come to Helena. He agrees this is a square wheel, but development/impact fees are a compromise. And anytime you have a compromise it is not perfect. It will not be a perfect bill because of the people involved.

Ron Stoker stated Montana politics can be difficult. Eastern Montana will band together to kill some bills they do not like. When Rick says it is a consensus bill, it means sometimes it is a common denominator to get it out and approved, especially after 6 sessions. Commissioner Driscoll stated she would like to see three districts addressing the basic issues.

Bob Lake stated when they put a bill together they deal with the entire state of Montana. The challenge they have with the school impact fee is the statutes that state impact fees can not be used on schools. School funding is based on taxing and one issue will be the double taxation issue. One loss was Senate Bill 701 which was a school funding bill responsible by the state. Bob also suggested the Commissioners personally bring them these issues to Helena when they are in session. He stated they need personally delivered information, wants and needs of the local counties; and not to just tell them what the problem is.

Commissioner Grandstaff addressed eastern vs. western counties. She asked if there a way to craft legislation for fast growth counties so that it only affects us. Ron stated it is not constitutional to do that, as you are dividing the state. Bob stated it is called the equal protection clause. Commissioner Driscoll asked if fees can be activated when growth hits a certain percentage. Rick replied if it is spelled out within the Growth Policy then that could be addressed within an ordinance. He also noted Senate Bill 185 works for whatever local government wants to implement it, no matter what the size is. And as long as it is based on nexus and proportionality, and your growth policy allows it. You have to do a study; cost of road, sewage system, water etc. then the developer will have to do the pro rata share which could be applied to school buildings, and bricks and mortar.

Commissioner Rokosch stated one difficulty is the sheer cost of the study and the limited budgets of the schools. He asked if there is a possibility of establishing a loan fund for the schools to obtain the necessary funding to do the study. Rick stated Gary McLaren tried to pass that for local governments as your impact fees are based upon what the county impact is.

Gary stated the bill had a 2.5 million dollar price tag and it did not make it through the appropriations committee. He hopes to bring that bill back again. He hoped to use some of the surplus monies at the state level to help the fast growing counties get ahead of the curve on the growth issue.

George Corn stated he and Professor Horwitz drafted a bill to help clean up that 2005 compromise bill. They found out later there was an 'unsigned agreement' they (the legislators) would not touch this legislation for at least 4 years. Thus, they were unable to change this bill at this time. However within the next legislative session, the local

governments might obtain a more favorable reaction in the next session. He stated they had fourteen proponents and three people who testified against this bill. Those three people were builders. George stated he has a bill drafted that is ready to go and he hopes the local delegation supports this.

Commissioner Chilcott stated one of the major costs for the county is personnel (labor force). They struggle to fund the Sheriff's Office personnel every year for 24/7 hr protection. They need to define those high cost services. Rick stated he does not see that happening on the impact bill, as it is meant to be infrastructure with a ten-year life span. Your property taxes are meant to pay for those personnel services. Commissioner Chilcott stated in order for the county to gain more personnel, we would have to obtain a public service levy which they tried and was not passed. Rick replied the intent of this bill is to finance the impacts based on nexus and proportionality. Some other legislation might be passed but they would probably not get re-elected.

Commissioner Driscoll asked about the time frame monies come to the county that can be drawn upon. She stated it can be as much as 18 months to 6-years. She stated it would be better if the money was received up front, not down the line when the impact has already been felt.

Bob Lake stated the current statute addresses impact fees which are not to be used for schools. That is where the challenge is. He also noted House Bill 701 allows for 20-year bonds which the schools could take advantage of. These bonds could produce substantial savings.

Commissioner Rokosch stated the county is struggling with the impact of the subdivisions and they have no way to mitigate the impacts. Therefore it is hard for him to grant subdivision approvals because subdivisions add to the local problem. He asked the legislators to look at the tools to mitigate those impacts. Commissioner Rokosch stated property taxes do not cover the costs of the increased need for services, and not just the infrastructure but the full burden of the residential development. He stated those impacts are part of the criteria for public health and safety. Rick stated that was the intent of the impact bill, i.e., to provide for infrastructure (building, equipment) as it frees up money for needed personnel.

Commissioner Thompson indicated the three new Commissioners have not gone to a state convention yet but he has gone to enough of them to see the east vs. west mentality. He stated many things are common sense but the eastern Montana Counties are not interested in the western Montana fast growth Counties. He stated they have tried to work with them on various issues but they say we have 'stupid ideas'. He stated he understands what the legislators are up against and they have carried bills for the county but were not passed. He asked if someone who retires is responsible to pay for someone else's education. He stated is torn on this issue

Commissioner Grandstaff stated she does not have any kids but is happy to pay for public education because we are a community and someone paid for her public education.

Deb Essen stated Senator Laible misunderstood his own bill. This administration building could not have been renovated with those impact fees, as the bill only addresses new construction, not a remodel. Rick stated the point of the legislation does not allow you to go back in time, he doesn't think we would ever know this as there is no formula in place. This administrative building would have been a new building for the county. Therefore the developer needs to pay for their pro rata share of buildings for the county.

Ray stated legislative intent is always recorded.

Curtis Cook asked Bob Lake about the impact fees not being available for schools and education. Bob replied the statute does not apply to schools and there appears to be a conflict in the statutes.

Commissioner Grandstaff stated another issue is that the planning department has 10-days for sufficiency and 60 days to approve. This short time frame has landed the county in court. Ravalli County Planning Department has 10 employees and they were deluged with the huge subdivisions which did not allow them to get the applications done in time. It was not that long ago we had two planners and one secretary. She stated the Commissioners can not staff it any better. She felt this time frame has to be extended for subdivision review.

J.G. Shockley suggested the time line should reflect the complexity of the project. Commissioner Driscoll and Commissioner Grandstaff stated that is a good point. Rick stated that is something they can address by amendment. Rick also noted Ravalli County did not implement Senate Bill 116 by October which was part of our problem. Commissioner Rokosch stated the county had to weigh the risks of not getting that senate bill in place by October. Rick stated the county had a year and half to implement it. However, at this point they need to find the solution; let's see if we can do an amendment like J.G. suggested.

Commissioner Driscoll stated we are regulated by law to mitigate issues of growth, but how do we mitigate the public safety coverage. She stated the counties are caught in the middle.

George stated if the planning staff is hit with a large number of subdivision applications at one time, they could address it by an escape valve within the same legislation by way of district court. Rick stated the long term solution is Senate Bill 201 which includes the use of zoning, as that allows an easier way to manage the subdivisions. George agrees with the zoning, but added that a safety valve built in through the district court would still be important.

Commissioner Rokosch asked why we do not utilize the State Environmental (MEPA) impacts for the large scale developments in the review process. Ron asked what is holding the county back on this. He suggested the Commissioners have George Corn help them utilize this tool for those impacts.

Rick stated the worst thing that happened was the 1 for 2 zoning. He also stated the Commissioners have the ability to require a community septic system within a subdivision, and to ask George for that help.

Commissioner Chilcott also brought forth a budget issue of authority to budget for severance costs for employees. He noted school districts have it, but the county does not. He gave an example of having two deputies retire and being hit with some large costs for retirement, yet the county has no authority to establish a fund that could be built up to cover those severance costs. He asked Rick if he would be willing to carry a bill which would allow counties the ability to build up a percentage for those unanticipated costs. Rick stated he would work with the Commissioners and see if they can come to a consensus on this.

Bob asked if Commissioner Chilcott sees this 'topping out' and where do the funds go afterwards? Commissioner Chilcott stated the county simply needs the authority to take from the general fund in order to form this pot of money. Rick stated he chairs the local government committee and he will be happy to work with the Board of County Commissioners on this issue.

At this point J.G. Shockley had to leave the meeting due to a previous engagement.

Commissioner Driscoll asked about family transfers. Rick stated Senate Bill 116 addresses this as to the number of family transfers a person can do. It dealt with the use of family transfers creating a subdivision.

Commissioner Driscoll also addressed the numerous lawsuits the county receives. In Minnesota there is a slap law. She stated the Commissioners have been intimidated by the threat of suit during numerous meetings. She asked if this is something the legislators could address. Rick stated the Commissioners have the ability to set the standards for inappropriate actions. He suggested they have someone removed from the room if they make that threat. Commissioner Driscoll stated that does not alleviate the threat of a law suit but may elevate it. She asked the legislators if they would look at the Minnesota slap law and see if it is anything that can be applicable in the State of Montana.

Commissioner Grandstaff requested the Zoning Board of Adjustment not be any thing more than an advisory board as she would like the Commissioners to be the final authority on the appeals to zoning issues. Rick stated it is pretty hard to change initiatives that are done by the voters but he thought the Commissioners could make an amendment to that initiative.

Commissioner Rokosch stated one area of concern is taxation and the Commissioners are beginning their fiscal year budget preparation. The County does not obtain the mill values from the State of Montana until well beyond the deadline for the county budget. Bob Lake stated the challenge is obtaining the valuations from the Department of Revenue. The calendar would be difficult to change at the state level. He stated he



would need to sit down with the county on their actual timing to see if they can speed the Department of Revenue up. They say they can not get their work done in a timely fashion and that appears to be the hold up.

Commissioner Driscoll asked the County Internal Auditor Klarryse Murphy about the inflation issue.

Klarryse stated they are limited by the aggregate levy under statute. On the existing tax base they obtain last year's tax bill plus  $\frac{1}{2}$  of the past 3 years inflation. The county then gets 1.5% on the existing tax base and the cost of living is 3.2%; so revenues and expenses get a bigger gap. She suggested they strike the  $\frac{1}{2}$  and just take an average. Bob stated when they deal with taxes they deal with the entire state and some people have a long term distrust of government. This would be a challenge allowing additional spending.

Commissioner Driscoll stated they are losing their 'worker bees' because they can not keep up with economic incentives that are offered in other states.

Planning Board Member Ben Hillicoss stated he has bought and sold homes in numerous states. In some states the taxes are charged from the day you buy, but in Montana it is a year after January 1st. He stated he moved here in April, built in August and got a tax bill for \$31.00. He basically received 18-months of no taxes. Therefore the state and counties are losing a lot of revenue. Bob stated he will need to review this bill as there is a reason the DOR does not obtain those appraisals until the date of completion. This should be sped up now come October 1<sup>st</sup>.

Commissioner Driscoll stated Commissioner Thompson had a brilliant idea in regard to the discount for geo thermal alternatives for a energy tax credit for both residential and governmental agencies. This might be included in the solar energy or clean and green under the Governor. Bob Lake stated that tax credit is there for residential. Bob stated they did address this for commercial and residential but the bill died. He felt the bill needs to be cleaned up and then it should come back.

Commissioner Chilcott asked Gary about the Veterans bill, noting it was the right thing to do. He asked if it could be resurrected. Gary stated it should be resurrected.

Commissioner Chilcott asked about House Bill 201 in regard to administrative review of subdivisions with county wide zoning. Rick stated this bill is permissive at the county level and the flexibility is at the local government. The most important component to this legislation is the county does the zoning and 'things' are added to the Growth Policy.

Citizen Patricia Wilson addressed the community college. She asked what the legislators will do to facilitate this need and recent voter approval by the citizens in Ravalli County. Gary McLaren stated this is a specific process and they have not discussed who will sponsor the bill. Rick stated there are some other components; once the legislators pass it, it goes to the Board of Regents. Plus there is another alternative being proposed for

the College of Technology. Gary stated he will support any form of higher education for this valley, but it will ultimately come to the Board of Regents and the Governor has to approve it also.

Patricia stated the College of Technology (COT) is something the Regents carry forward, not the voters. This is the only thing the voters can carry forward. The COT can be pulled out at any time after they only have a few classes. She expressed her dissatisfaction with the COT because they come down and do one or two classes then they pull out and do nothing. Therefore her group is asking for support of a community college. We need good educated people and the only way we will have this is through a community college. Rick stated he supports any form of college education, his only issue is the governor put in ½ million dollars towards the COT and if he remembers correctly, it is specific to the COT in Ravalli County. He agrees they need it and deserve it. The major difference between the COT and a Community College is the funding... COT is funded by 6 mills which are on all tax bills but Community College is approved by 25% of our property taxes, and the Board of Regents has to approve this.

Ron stated he visited with Sheila Stearns of the Board of Regents and she is moving ahead with that establishment. The time line is 18-months to two years that the legislators have to deny or approve of the community college. Then there is the issue of accreditation which could take up to 3 years. Sheila stated the U of M is supportive of this as is Flathead Jr. College for the transfer of units.

Commissioner Driscoll stated when she attended a recent seminar in Kalispell the local businesses stated they want skilled people coming out of schools.

George Corn addressed funding mandates made by the state. He stated it is important for the state to fund the counties when they are required to do something. For example, DPHHS requires local government pay for the abuse and neglect cases. There is also the case of probation and violation. Currently these two issues would save the county \$150,000 a year. He suggested Ravalli County join with other counties to start this discussion.

George and Klarryse also addressed the 'big bill' that took all of the county taxes then gives us some of the monies back on a quarterly basis. They both agreed the county receives less money due to this bill.

Rick stated some of his constituents are asking about speed limits on roads that have a lot of wildlife. He visited with MDOT to reduce the speed limit and they stated he needs the support of the Commissioners. Rick will email a list of those roads. He also addressed which groups can use the county building after hours. Commissioner Rokosch stated they need to develop a use agreement.

Gary asked about the 70 mile per hour speed limits on Eastside Highway. He was advised that is a state route and needs to be addressed with MDOT.

RECORDED: 10/20/2006

8:35 PA

Nedra P Taylor

CLERK AND RECORDER BY:

Kelly Olein

FEE: \$4.00



Ravalli County Planning Department  
215 South 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840  
Telephone 406.375.6530 Fax 406.375.6531  
OG-06-06-736

CS 579115-F

June 22, 2006

Let. DeAnn M Johnson  
1054 S Burnt Fork Rd  
Stevensville, MT 59870

Re: Subdivision Exemption Application (SEA -06-101)  
Property Description: Parcel #340100 (Section 6, T8N, R19W/ Index 2)

Dear Mrs Johnson:

Ravalli County has examined your proposed subdivision exemption and determined that you can use the exemption on the above noted parcel for one family transfer: one to your son, Troy Renstrom, with a remainder parcel, as depicted on the application.

Please take notice that the County Attorney has expressed to the Clerk and Recorder's Office that a transfer on one of these lots, including the remainder, within four to five years after its creation is presumptively invalid and subject to refusal. In addition, once a parcel is transferred to a family member, that person cannot receive another parcel in Ravalli County through the family transfer exemption.

**IMPORTANT NOTICE REGARDING SUBDIVISION EXEMPTIONS:** A determination by Ravalli County that a proposal is exempt from subdivision review does not constitute a substantive review of the proposal. The lots created or altered by exemption might not have legal or physical access, might not be eligible for a County road access permit, might not be able to use previous private access easements, might not be eligible for County well or wastewater treatment (septic system) permits, might not have access to utilities, and might not have any usable building site or beneficial economic use or value at all.

To complete the process of filing the survey in Ravalli County, you will need to do the following:

- Work with a professional land surveyor to complete a survey, which all of the property owners will have to sign and have notarized. Be sure to quote the exemption language from subdivision review in its entirety on the final plat along with the names of the persons receiving a gifted lot and designation of which lot they are to receive.

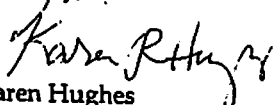
- Work with the Ravalli County Environmental Health Department (375-6565) for instruction relative to the Department of Environmental Quality (DEQ) procedures for review of the lots (referred to as a Certificate of Subdivision Plat Approval) and/or provide a letter of approval from the Ravalli County Environmental Health Department for the exemption from DEQ review quoted or used on this survey.
- Research the property for covenants and zoning to guarantee that the proposed transfers meet those restrictions, if such restrictions exist.
- Pay all property taxes that have been assessed and levied on the land. (Note: If you submit your survey for filing after the tax notices have been mailed out, you will be required to pay the entire year's taxes.)

When you're ready to file the survey, please bring the following to the Clerk and Recorder's Office:

- The original of this letter.
- A copy of the "Notarized Request for Family Transfer Form" (Original is at the Planning Department).
- The appropriate recording fees.
- The survey (one paper copy, two mylar copies and a digital file of the survey).
- The original copy of the Certificate of Subdivision Plat Approval from the Montana Department of Environmental Quality (DEQ) and/or provide a letter of approval from Ravalli County Environmental Health Department for the exemption(s) from DEQ review quoted on the survey.
- A deed which transfers the parcel to your son and the appropriate recording fee.

This approval must be utilized within one year of the above date, unless you specifically request in writing a one-year extension.

Sincerely,

  
Karen Hughes  
Planning Director

Cc: Project File - Subdivision Exemption Application (SEA - 06 - 101)  
Ravalli County Environmental Health Department  
Nedra Taylor, Ravalli County Clerk and Recorder  
Applebury Survey, 914 U.S. Highway 93, Victor, MT 59875

lb



Environmental Health  
215 South 4<sup>th</sup> - Suite D  
Hamilton, MT 59840  
(406)375-6268 FAX (406)375-2048

July 27, 2005

DeAnn Johnson  
1054 S. Burnt Fork Road  
Stevensville, MT 59870

Re: Subdivision Exemption #SSE-05-5675, Johnson, Parcel #340100, Geocode #1667-06-1-01-03-0000

Dear Ms. Johnson:

The Ravalli County Environmental Health Department has reviewed your subdivision exemption application for exemption from the sanitation in subdivision regulations, Section 76-4-125, MCA, and has determined that you can use the exemption stated on the survey for Parcels A1 and A2. The survey must state the correct exemption for Parcel A1.

This approval must be utilized within one year of the above date, unless you specifically request in writing a one-year extension. If you have questions, please contact me at the address above or call (406)375-6271.

Sincerely,

A handwritten signature in cursive script that reads "Theresa J. Blazicevich".

Theresa J. Blazicevich, Director  
Ravalli County Environmental Health

Cc: Applebury Survey

**For Family Transfers Only**

**Ravalli County Planning Department**

**Request for Family Transfer Exemption**

**By signing this form, the applicant and the landowner acknowledges and agrees as follows:**

This form may be recorded with the County Clerk and Recorder relative to the subject real property.

There is no intent to sell or otherwise transfer the parcel created by this Family Transfer Exemption other than to the immediate family member noted on the Exemption form.

Violation of the Montana Subdivision and Platting Act or the Ravalli County Subdivision Regulations is a misdemeanor per Section 76-3-105 MCA, and false statements to a public official may constitute a misdemeanor per Sections 45-7-202 and 45-7-203, MCA.

I swear and affirm that I have examined this form and to the best of my knowledge and belief, it is true, correct, and complete and is in compliance with all Montana State laws and Ravalli County regulations and resolutions.

\_\_\_\_\_  
Applicant's Agent

Deana M. Johnson  
Applicant

\_\_\_\_\_  
License No., if applicable

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Applicant

STATE OF MONTANA

County of Ravalli

Subscribed to and sworn to (or affirmed) before me this 5 day  
of JUNE, 2006 by DEANA M. JOHNSON



BRANDI BUTCHER  
NOTARY PUBLIC-MONTANA  
Residing at Stevensville, Montana  
My Comm. Expires August 25, 2009

Brandi Butcher  
Printed Name of Notary

Notary Public for the State of Montana

Residing in STEVENSVILLE

My Commission expires 8-25-09

Clerk and Recorder

RE: Sale of property of Jody R. Burtner  
Placed in the hands of the  
Placed in the hands of the

I believe the reasoning for the  
three year waiting period on the  
sale of property is that the land  
was not to be sold to people who would  
be able to afford it.

This is not the case here. I  
stated to the Division in 2002.  
I visited the area with the Commissioner  
and the Division. The Division  
winds were blowing. The Division  
flood plain administrator stopped.  
The Division stating a study  
that was being done by FEMA  
the Division the Great  
North Floodplain.

I contacted the Division and  
Burns who contacted the Division  
FEMA to find there was no

Deeply & deeply

Copies of things can be found  
in Planning under Whispering  
Wind sub division

I feel I have already  
visited 5 years ago  
I know that no funds for my  
own should be paid that  
visit and I should be there  
years to see this property

Gray has a note on this  
property. The inside dates  
the names is his reason  
for having it. I see  
I have not been in the  
past. I have not  
with the past. I have not  
with the past. I have not

Applebury Sunday, Feb 26  
sub division

Recorded 10/20/2006 10:15 AM



RECEIVED 4/24/07

Blanket Perforated Blank

3. 2. 2. # alt. not intended  
Rec'd 3 years. Held on for Eastern  
fairly to ten years.

- This is due that reason I need to  
 get a pay off. whether I pay for this  
 property. I am a single retired 67 year  
 old. I am not a citizen

mit Myxomorphologie (Bakterien) (Kern) +  
mit (Zellen) ist ein vor (Zellen)

\$ 124 - ~~Real Estate~~ ~~Improvements~~ 30

100 - taxes

Major Influences (Rev + Rome)

100 - American Express Card

100 - Chase card

150 - Propene

311 - home equity loan  
25 - dentist

25 - Dentist

50 - groceries

50 - Car expense gas, oil, repairs  
40 - church

40 - church

60 - miss

40 - stock

~~11~~ 1250

Monthly Income SS \$ 611<sup>00</sup>

Alfred Johnson



**Regina Plettenberg**

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**From:** Karen Hughes  
**Sent:** Thursday, May 10, 2007 2:47 PM  
**To:** Alex Beal; Greg Chilcott  
**Cc:** Laura Hendrix; Tristan Riddell; Regina Plettenberg  
**Subject:** FW: Johnson complaint re: Family Transfer  
**Attachments:** johnson sea.pdf

Oops. Here is the attachment I was referring to in my email.

*Karen Hughes, AICP  
Ravalli County Planning Department  
215 S. 4th Street Ste F  
Hamilton, MT 59840  
Phone (406) 375-6530  
Fax (406) 375-6531  
khughes@ravallicounty.mt.gov*

---

**From:** Karen Hughes  
**Sent:** Thursday, May 10, 2007 2:46 PM  
**To:** Alex Beal; Greg Chilcott  
**Cc:** Tristan Riddell; Laura Hendrix; Regina Plettenberg  
**Subject:** Johnson complaint re: Family Transfer

All:

Please be advised that we recently explained to Ali DeBellas (sometime around April 25<sup>th</sup>) the circumstances surrounding DeAnn Johnson's subdivision application-turned-family transfer. Ali, as we understand it, is DeAnn's real estate agent and she spent some time talking to several of us individually including, Regina, Greg, Tristan and me. Our office offered to provide a written account of what had happened after we had a chance to review the subdivision and SEA files, which Ali agreed she wanted. Our office is in the process of completing this task and we will, when our research is complete, provide a response to Ali, DeAnn and now DeAnn's son. Terry Nelson was the representative on this matter.

Karen

*Karen Hughes, AICP  
Ravalli County Planning Department  
215 S. 4th Street Ste F  
Hamilton, MT 59840  
Phone (406) 375-6530  
Fax (406) 375-6531  
khughes@ravallicounty.mt.gov*

5/11/2007

1054 Burnt Fork STEVENSVILLE, MT  
Troy Renstrom & DeAnn Johnson  
RE: Handship for family transfer  
County Attorney  
Ravalli County  
4/8/07

Dear Sirs:

I question the legality of imposing a three year waiting period until I can sell a piece of property that was sold to me by my mother, DeAnn Johnson.

I did not sign any statement to the fact that I agreed not sell the property if that was my wish. My mother signed a paper stating she would only sell or give the property to a family member and that she would abide by the State and County rules. All of which she did.

She called Ravalli County Planning who told her that they went by the State rules on family transfers. She looked up the State's rules and there was nothing in them that stated her family member could not sell the property, except back to her, or of having to wait 3 years before he could sell the property.

She received a letter from the county stating she could not sell either of the divided properties for 4 to 5 years. According to this the County would not let her sell even the piece of property left in her name. I guess this was later changed.

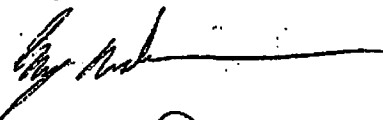
The very reasoning for this waiting period was so that people would avoid the sub-division process. This was not the case in my mother's case. She spent 2002 to 2006 in the sub-division process Applebury Survey, her planner, was told by the Flood Plain Administrator Laura Hendrix that there was a study being done by FEMA and DNRC to declare the Burnt Fork Area of Stevensville, where the property is located, a floodplain and that the study would take up to two years to complete. The study Laura was talking about had already been done by the Army Corp of Engineers and the results were published..

Faced with having to wait another two years for this study and then not being assured of the results of the study she applied for the family transfer. She later found out there was indeed no study being done by FEMA or the DNRC.

I do not see how you can in any way state that she 'tried to avoid the sub-division process.' Applebury Survey will confirm the findings of Laura Hendrix.

Because of the county's flood plain administrators misjudgement not because of anything done by my mother I feel the waiting period has already been done the years 2002 to 2006 while she waited for the ONE LOT SUBDIVISION to be completed.

Troy R. Renstrom



cc: Planning  
Chilcath



Planning Department  
215 South 4<sup>th</sup> Street; Suite F  
Hamilton, MT 59840  
Phone 406.375.6530  
Fax 406.375.6531  
planning@ravallicounty.mt.gov

---

## MEMORANDUM

OG-07-05-543

Date: May 15, 2007

To: Ali DeBellas

From: Karen Hughes, Planning Director

A handwritten signature in black ink, appearing to read "Kest", is written over the name "Karen Hughes".

CC: DeAnn Johnson

Troy Renstrom

Applebury Survey

Ravalli County Clerk and Recorder

Ravalli County Board of County Commissioners

Ravalli County Attorney's Office

Subdivision File/SEA File/Outgoing Correspondence File

Re: Johnson Family Transfer Complaint

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The purpose of this memo is to respond to your inquiries regarding DeAnn Johnson's subdivision and subdivision exemption applications at the front counter at the end of April. The information below regarding the timeline of these two submittals is offered for your consideration.

### Background:

The Whispering Winds Expedited Minor Subdivision application was submitted to the Ravalli County Planning Department on July 21, 2005. During this time period the Planning Department had an extensive backlog of subdivision applications which were being worked on in order of submittal and as appropriate staff was available. Staff completed the first sufficiency review for the proposal on February 10, 2006. The application identified South Swamp Creek on the plat and stated that it drained an area less than 15 square miles. This information proved to be incorrect.

On May 16, 2006, Applebury Survey responded to the February 10<sup>th</sup> sufficiency letter. Staff completed a final sufficiency review on May 22, 2006. At the request of the Planning Director, the Ravalli County Floodplain Administrator is involved in the review of subdivisions where there

At this time there are a number of options that Ms. Johnson and Mr. Renstrom could consider pursuing, which include the following:

- The properties in question can be retained by the current owners.
- Planning Department staff understands that the Clerk and Recorder's Office has indicated the owner of the remainder parcel may sell that parcel in accordance with the Ravalli County Subdivision Regulations adopted November 20, 2006.
- The owner may submit a Subdivision Exemption Application to aggregate the two newly created parcels back into the original tract, at which point, the single tract may be kept or conveyed.
- The owner can reinitiate the subdivision process. The applicant would be required to submit materials, including a floodplain analysis, in accordance with the Ravalli County Subdivision Regulations adopted November 20, 2006, as amended. The County has currently been meeting all required deadlines for subdivision review. Once the application was deemed sufficient, a decision on the subdivision by the Board of County Commissioners would be made within thirty-five (35) working-days of the receipt of the complete application submittal. Please be advised that payment of new fees would be required.

June 5, 2007

Clerk and Recorder  
Ravalli County

RAVALLI COUNTY  
CLERK AND RECORDER  
RECEIVED 6/7/07  
4:20 pm

Dear Clerk and Recorder:

RE: Troy Renstrom and family transfer

I have to sell the property at 1054 South Burnt Fork, Stevensville, MT to pay off a Promissory Note held on the property.

I have no other means financially to pay off this note.

Thank you,

Troy Renstrom



cc: County Attorney



**Gary H. Brothers Broker/Owner G.R.I.**

206 S. 5th Hamilton, MT 59840  
1-877-556-7653 406-375-9980  
[www.nwwaterfrontrealestate.com](http://www.nwwaterfrontrealestate.com)

Clerk and Recorder  
Ravalli County Courthouse  
205 Bedford Streets

June 14, 2007

RAVALLI COUNTY  
CLERK AND RECORDER  
RECEIVED 6/14/07

Regina:

I have been asked by my client, Troy Renstrom, his mother DeAnn Johnson, and my Broker, Gary Brothers to receive an immediate written statement with an answer on Troy's exemption for hardship. I delivered the letter of hardship from Troy, as per our discussion. Troy is out of town all of June and we cannot wait for him to return. DeAnn does not want to wait for the time it would take for the logistics of putting (the group) together either.

I am enclosing a letter from "New West News" in which they state that the lawsuit filed by 11 subdivisions was in the law that "requests must be responded to within 70 days." It took 6 mos. for DeAnn's subdivision request to be responded to. The planning department is admitting to this and so DeAnn **MUST** be given the exemption as the planning department is guilty of stalling in her case as well. **HOW CAN YOU HOLD HER ACCOUNTABLE FOR EVADING SUBDIVISION WHEN THE PLANNING DEPARTMENT WAS NOT HELD ACCOUNTABLE FOR NOT OBEYING THE LAW!** The Counties admittance of not performing in a timely manner as written by the law should make it easy to give Troy his exemption and sell the property.

According to County Attorney Corn "since subdivision laws are designed to promote public health and welfare, they are to be liberally construed to affect the object of the law and exemptions must be narrowly applied" Since DeAnn completed subdivision except for Commission Review than she has conformed to "promoting public health and welfare". She can complete subdivision at any time-she only needs \$20,000.00.

You asked me "what if the next person comes wanting an exemption with the same circumstances?" My answer is that if someone with DeAnn's record of spending from 2002 to 2006 in subdivision and was not denied subdivision then the exemption should be given to them too. There are many individual circumstances and you must look at the entire situation not make blanket judgements which you continually do in this situation. You have been "stalling" just as the planning department did to DeAnn, we all deserve better than that. You are holding 4 groups of people hostage to this decision.

Sincerely  
Alice DeBellas  
Brothers Real Estate  
Enc.

*Brothers*  
**Real Estate  
Consultants**

[gary@brothersrealestate.com](mailto:gary@brothersrealestate.com)



## Ravalli County Settles Development Dispute

New West News  
Growth & Public  
Policy

By Jessica Mayrer, 6-06-07

Ravalli County avoided what could have been a multi-million dollar lawsuit on Monday by settling a development dispute out of court, giving developers the go-ahead on 11 stalled subdivisions, pending review and approval by county commissioners. The move could potentially create over 1,500 homes in one of the fastest growing regions in the state.

The lawsuit, filed by 14 developers in February, came after their requests to subdivide land languished in the Ravalli County Planning Office for months. It claimed the county missed deadlines for reviewing subdivision applications and asked the court to award damages and attorney fees.

The developers' lawsuit was filed after subdivision requests got stalled in the Ravalli County Planning Department, and planners, faced with an onslaught of development requests, could not meet mounting demands, said Ravalli County Commissioner Greg Chilcott.

Legally, subdivision requests in Montana must be responded to within 70 days.

-this is  
an admission  
of guilt

"We never have had the fiscal ability to hire enough people to fit the time frames," Chilcott said. In turn, 11 of the 14 developers involved with the lawsuit "were clearly on the wrong side of 70 days," he said. "There wasn't any grey area here, we didn't meet it."

While the subdivision applications were held up at the planning office, Ravalli County voters passed an emergency zoning ordinance that limited new construction to one home per two acres for a period of one year. The zoning ordinance was applied retroactively and essentially blocked the existing subdivision requests. The developers maintained if the county had been holding to deadlines, the projects would have already been far enough along in the process not to be caught by the emergency zoning.

But now with Monday's settlement, developers can proceed under the old rules, before the one-per-two ordinance. The agreement also stipulates that the projects will be reviewed quickly and an outside consultant will be hired to further expedite the process.

Meanwhile, anti-development activists are licking their wounds and planning their next move.

"If you persist on this, we're going to take this thing to court," said Phil Taylor from Bitterrooters For Planning.

Taylor maintains the settlement was done behind closed doors and the public was given insufficient notice to participate in the negotiations.

"They have taken away the rights of the people totally," he said.

Taylor says the settlement does an end-run around the one-per-two and overrides the voters' wishes.

The emergency zoning ordinance was "really the community coming together and saying, 'we've had enough of this crap,'" he said.

If all goes as planned, two of the new subdivisions, Flat Iron Ranch and Legacy Ranch will build close to 600 homes, while two others, Hawks Landing and the Grantsdale Addition are shooting for about 150 homes each.

"They're like three towns, they're very large," Taylor said.

You cannot hold Remstrom accountable  
and not hold the Planning Dept  
accountable



Ravalli

REGINA PLETTENBERG  
RAVALLI COUNTY CLERK & RECORDER  
215 SOUTH 4<sup>TH</sup> STREET, SUITE C  
HAMILTON, MT 59840  
(406) 375-6555

June 25, 2007

Troy Renstrom  
1054 South Burnt Fork Rd  
Stevensville, MT 59870

Troy Renstrom  
1344 Haystack Ln  
Stevensville, MT 59870

RE: Request for sale of gifted tract

Mr. Renstrom:

I am in receipt of your letter requesting immediate sale of the gifted parcel of land you received from your mother, Deanne Johnson, through a family transfer exemption. I have scheduled a meeting with the County Commissioner, the Planning Office, the Ravalli County Attorney's Office and my office for a review of this matter with you present to answer questions and explain the need for this request. This meeting will be held on July 9, 2007 at 9:00 AM in the Commissioner's Conference at the Ravalli County Administrative Building at 215 South 4<sup>th</sup> Street, Hamilton, Montana.

The following shall be utilized as evaluation criteria:

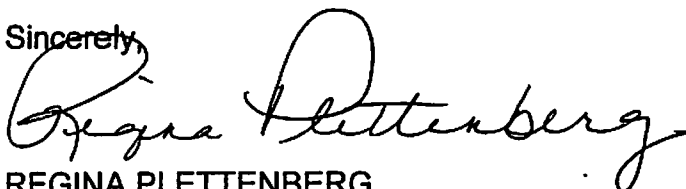
1. Was there documentation recorded with the plat to notify the title holder that the gifted parcel was being created through the exemption process and therefore not subject to immediate sale?
2. Is the request based on a hardship or significant difficulty that the applicant could not have reasonably anticipated?

3. Was the reason for the request one the applicant would have been aware of at the time of the subdivision exemption application and/or the time the family transfer survey was recorded?
4. Can the reason for the request be handled through some other means, such as through a court (ie., district, divorce, probate or bankruptcy)?
5. Any other relevant argument.

The County may provide an answer to you at the time of the meeting or may take some time after the meeting for consideration. Once a decision is made, you will be notified in writing by my office.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Regina Plettenberg". The signature is written in dark ink and is positioned above the printed name.

REGINA PLETTENBERG  
Ravalli County Clerk and Recorder